IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.10101 of 2008

SURESH YADAV
Versus
THE STATE OF BIHAR

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3. 16.7.2008 Heard the learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Raniganj (Bounsi)P.S. Case No.21/2007 for the alleged offences registered under section 376 of the Indian Penal Code.

It is submitted on behalf of the petitioner that on perusal of the allegations made in the First Information Report, it would appear that the offence is alleged to have been committed on 24th of January, 2007 whereas the First Information Report has been registered on 1st of February, 2007 on the basis of the *Fard beyan* got recorded on the same day. It is further submitted that the case has been lodged after giving a second thought and the allegation of rape has been added merely to make the offence grave. As a matter of fact, no internal as well as external injury was found on the person of the informant on being examined by the Doctor on the same day the case was lodged. In the opinion of the Doctor, no sign of rape was detected. In addition to that, attention has been drawn to the petitions filed by the informant, her father and mother, as contained in Annexure 3 series, wherein it has been stated to the effect that the allegation of rape is not correct as no such offence took place.

Considering the submissions, as noticed above, and

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on perusal of the allegations made in the First Information Report as well as other materials brought on the record, it is directed that petitioner Suresh Yadav, in the event of his arrest or surrender in connection with Raniganj (Bounsi) P.S. Case No. 21/2007 within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

PNM **(Shailesh Kumar Sinha, J.)**

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